

Message

From: Gordon, Lisa Perras [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=F9AC77737B6D43759B069E24466BA077-GORDON, LISA]
Sent: 8/29/2019 4:39:15 PM
To: Bouma, Stacey [Bouma.Stacey@epa.gov]; Cooper, Jamal [cooper.jamal@epa.gov]; Wetherington, Michele [Wetherington.Michele@epa.gov]
Subject: RE: deliberative and pre-decisional...FW: Nagel discussion - GA Narrative

Thanks for forwarding this, Stacey. It helps for us to know what Tony is hearing and what resonates for him. Good to know.

[Also, just a note on his next to last line: econ can be used for variances or use attainability analyses (UAAs), but they cannot be used for site-specific criteria. SSC must be as protective as regular criteria – variances and UAAs can be less stringent for economic reasons.]

From: Bouma, Stacey <Bouma.Stacey@epa.gov>
Sent: Thursday, August 29, 2019 11:53 AM
To: Gordon, Lisa Perras <Gordon.Lisa-Perras@epa.gov>; Cooper, Jamal <cooper.jamal@epa.gov>; Wetherington, Michele <Wetherington.Michele@epa.gov>
Subject: deliberative and pre-decisional...FW: Nagel discussion - GA Narrative

Here is what Tony sent JMG.

Stacey L. Bouma, Chief
Water Quality Standards Section
EPA Region 4 Water Division
(404) 562-9392

From: Able, Tony <Able.Tony@epa.gov>
Sent: Thursday, August 29, 2019 8:52 AM
To: Gettle, Jeaneanne <Gettle.Jeaneanne@epa.gov>
Cc: Bouma, Stacey <Bouma.Stacey@epa.gov>
Subject: Nagel discussion - GA Narrative

Stacey said you need some talking points. This is what I am hearing staff and Leif say.

Leif – They did not provide required info to define “unreasonable” interfere.

Leif – Unreasonable is an adjective that by definition modifies a noun and therefore changes the meaning of “interfere.”
Lisa/Leif – We do not know how they plan used “unreasonably interfere.” It may be reasonable for one kayaker to avoid the river because of smell and color but how many kayakers avoiding the river (50 or 500 per year???) becomes unreasonable. It may be reasonable for a 5% reduction in fish reproduction but we don’t know how they will use it to define unreasonable. Is it an 80% reduction in fish reproduction? They have not given us the info to determine.

Leif/Lisa – This will open the door to say something like, “because of the economic needs of the community, a 50% reduction in kayaking and a 50% reduction in fish population is reasonable.” A standard cannot be used to factor in economics. Only a variance or site specific criteria can factor in the economics.

Attorneys – the NGOs are watching. This will have a high chance of successful challenge.

Tony Able, Supervisory Scientist, P.G.
Chief, Water Quality Planning Branch
U.S. Environmental Protection Agency, Region 4
61 Forsyth St.

Atlanta, GA 30303

W – 404 562 9273

C – 404 821 9066

“We never know the worth of water until the well is dry.”

— Thomas Fuller